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SUBJECT: ITALIAN RESPONSE TO CRITICISM ON REFUGEE TREATMENT

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Classified By: Political Minister Counselor Tom Countryman for reasons
1.5 (b)(d).

1. (C) Summary. In the face of criticism by UNHCR, the European Parliament and center-left politicians, the Italian Government continues to defend its policy of quickly returning illegal immigrants to Libya. Ministry of Interior officials insist the immigrants are being properly processed for asylum claims and that Italy is fulfilling its obligations to protect Italian and European borders from criminals and terrorists. MOI remains defensive about its immigration procedures, a situation exacerbated by the lack of a specific Italian law governing asylum procedures and political pressure to control illegal immigration. The Northern League Party, a key Berlusconi ally following the center-right's dismal performance in regional elections, strongly favors reduced immigration, so we do not expect the Government will support efforts to make asylum processing easier. End Summary

2. (U) On March 18, UNCHR issued a press release expressing "deep concern" about the chain of events that led to the March 17 expulsion to Libya of 180 illegal immigrants. UNHCR stated that its representative was denied access to the processing facility in Lampedusa due to "security concerns" and expressed doubt that there had been enough time to adequately process the immigrants for asylum claims. Amnesty International Italia and opposition members (Greens, Democrats of the Left) echoed these concerns. On March 24, the UNHCR representative was granted access to the facility, which by then held only 88 immigrants, and found no major problems. On April 13, the European Parliament (EP), citing events in Lampedusa, approved a resolution that called on all member states to refrain from collective expulsion of asylum seekers and "irregular immigrants" to Libya, expressed the view that Italian expulsion of migrants to Libya violated the principle of 'non refoulement,' and called on Italy to grant UNHCR free access to Lampedusa.

Italy Responds

3. (U) In remarks before the Italian Parliament April 15, Undersecretary of State for the Interior Saponara provided a response to these criticisms. Saponara confirmed that between 13 March and 5 April, 1,504 illegal aliens, more than half of whom were Egyptian, landed at Lampedusa. Of the 685 processed at Lampedusa (the others were moved to other centers on the mainland), 559 were returned to Libya on civilian charter aircraft; 76 were repatriated to Egypt; and another 50 were still being processed.

4. (U) Criticism of Italian policy is based on two concerns: that Italian authorities are not properly screening the illegal immigrants for asylum concerns and that returning immigrants to Libya will endanger their human rights because of Tripoli's poor human rights record. On the latter point, Saponara conceded that Libya had not signed the 1951 UN Convention on Refugees, but he argued that Libya had signed two other international instruments (unspecified) under which they were obligated to respect the human rights and integrity of refugees. He made a point of noting that most immigrants arrived via boat in trips organized by criminal organizations that did not respect human rights; these groups trafficked in drugs and persons and presented Italy with a potential terrorist threat. Saponara noted that Lampedusa was an entry point for Schengen, which obligated Italy to defend not only its own borders but those of Europe as well.

5. (U) Saponara reported that representatives of the UN and the European Commission's Committee Against Torture had visited Lampedusa in November 2004 and found no major problems. Saponara acknowledged there was overcrowding (Lampedusa is an identification center built to house 190 but officials there repeatedly have had to deal with over 1,000 immigrants at a time) by saying that Italy was now moving immigrants rapidly to other centers to decrease overcrowding. He stated that the decision to temporarily deny UNCHR access to the facility in March was due to security concerns created by a sudden influx of immigrants. He reasserted that immigrants receive full emergency medical care and said that

the five Palestinians and four Sudanese who had asked for asylum had been immediately moved to another facility to continue their processing.

16. (U) Other Italian officials have also defended Italy's policy. Stefan Zappala (Forze Italia) of the EP's Justice and Home Affairs Commission, accused UNHCR and Amnesty International of being unfairly prejudiced against Italy and insisted that each immigrant who arrived illegally in Lampedusa received proper individual processing. UNHCR later accused Zappala of misrepresenting its position. Zappala, backed by other center-right Italian politicians (National Alliance, Northern League) said that Italian authorities had taken every measure possible to rescue and properly process the immigrants. Reflecting a widely held belief, the mayor of Lampedusa issued a press statement March 15 saying that expulsion was the only way to deter further waves of immigrants from trying to illegally enter Italy.

UNHCR Views

17. (C) Michele Manca di Nissa, UNHCR's Rome deputy representative, described to Laborcouns his recent visits to Lampedusa. He stated he was initially denied access on March 15 when there were lots of media present, but on a return trip alone he was allowed into the Lampedusa facility. He indicated there was one Egyptian interpreter working there, and that a Libyan delegation had visited Lampedusa for one day in March. (Note: MOI representatives confirmed that under Italy's 2004 bilateral agreement with Libya, each has access to the other's immigration facilities. Details about the agreement remain sketchy.) Without being present at the interviews, di Nissa stressed he could only speculate about procedures. However, based on the numbers, he estimated that each deported immigrant was interviewed for perhaps five minutes each and was put on a plane within 48 hours. UNHCR's concern was that they were being expelled, not on the basis of individual asylum concerns, but on nationality alone. He described Italian identification and temporary detention centers as generally good -- "five star hotels compared with conditions on Malta." UNHCR had no information, other than media reports, on what happened to the immigrants when they arrived back in Libya. He said when they called to ask about the arrival of a plane that left Sicily, the Libyans could provide no information on where or if it had landed.

17. (C) Di Nissa described the situation as an Italian administrative emergency based on entirely predictable events. The problem, he said, was that Italy is the only EU country without an explicit law outlining asylum procedures. He estimated an average of 12,000 immigrants request asylum every year but that authorities have no legal basis on which to plan for regular influxes. MOI estimates that the illegal immigrants who arrive by boat represent only 15% of the total of illegals, or "clandestini." He insisted that UNCHR did not want a confrontation with Italian authorities and that he had tried to convince MOI officials that increased transparency was in their own interest. But he said MOI remained defensive to a degree that created questions about its operations.

18. (C) Comment: Based on the data provided, it is clear that MOI officials are conducting interviews for asylum, and its resources are being stretched by the arrival of recurrent waves of illegal immigrants. MOI's reluctance to share information makes it difficult to determine if their processing is adequate. This defensiveness (warranted or not) is exacerbated by the lack of a specific asylum procedures law and political pressure within the Government to appear tough on immigration. One of Berlusconi's key allies, the Northern League Party, strongly supports increased immigration controls and, following the center-right's dismal performance in regional elections, we do not expect the Government will support efforts to make asylum processing easier.

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